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*Attorneys for Defendants  
Regina Barrett, Christopher Harris,  
Julio Mesa, and Timothy Knatz*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,

Plaintiff,

v.

REGINA BARRETT, *et al.*,

Defendants.

Case No. 2:17-cv-02304-RFB-BNW

**DEFENDANTS' MOTION TO TAKE  
THE DEPOSITION OF PLAINTIFF,  
A PERSON CONFINED IN PRISON**

Defendants Regina Barrett, Christopher Harris, Julio Mesa, and Timothy Knatz, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Matthew P. Feeley, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby move for leave to depose Plaintiff Lausteveion Johnson, a person confined in prison. Defendants' motion is made and based on Rule 30 of the Federal Rules of Civil Procedure and the following memorandum of points and authorities.

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. BACKGROUND**

This is a prisoner civil rights matter. Lausteveion Johnson (Plaintiff) is an inmate lawfully incarcerated in the Nevada Department of Corrections (NDOC) and is currently housed at Southern Desert Correctional Center (SDCC). On October 31, 2018, Plaintiff's Civil Rights Complaint pursuant to 42 U.S.C. Section 1983 (Complaint) was filed against various defendants alleging violations of Plaintiff's First and Eighth Amendment rights. ECF No. 5.

On October 31, 2018, This Court issued its Screening Order on Plaintiff's Complaint (ECF No. 5). ECF No. 4. This Court ordered: that a First Amendment interference with free exercise of religion claim shall proceed against Defendant Mesa; a RLUIPA claim shall proceed against Defendant Mesa; an Eighth Amendment claim of sexual assault shall proceed against Defendants Gillmore and Barrett, and a First Amendment retaliation claim shall proceed against Defendants Gillmore, Mesa, Barrett, Knatz, and Harris. ECF No. 4 at 9:15-22.

On February 19, 2019, the Office of the Attorney general filed a Notice of Acceptance of Service for Defendants Barrett, Harris, Mesa, and Knatz. Service was not accepted for Defendant Gillmore. ECF No. 15 at 1:21-24. Defendant Gillmore was ultimately dismissed from this action pursuant to Rule 4(m). ECF No. 52

On December 18, 2018, the Court issued its Scheduling Order. ECF No. 72. Pursuant to the scheduling order, discovery is set to end on June 29, 2020. *Id.* Plaintiff is currently housed at Southern Desert Correctional Center in Indian Springs, Nevada.

**II. APPLICABLE LAW**

A party must obtain leave of court if the deponent is confined in prison. *See* Fed. R. Civ. P. 30(a)(2)(B). The apparent purpose of the rule is to "prevent unnecessary disruption of the administration of the penal institution." *Ashby v. McKenna*, 331 F.3d 1148, 1150 (10th Cir. 2003) (quoting *Kendrick v. Schnorbus*, 655 F.2d 727, 728 (6th Cir. 1981)).

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**III. ARGUMENT**

Defendants desire to take Plaintiff's deposition in this matter to prepare the case for a dispositive motion or trial. Defendants dispute Plaintiff's factual allegations, and Plaintiff's deposition may be necessary to resolve one or more issues presented in the case. Further, Defendants are former or current prison employees, and defense counsel intends to work with prison administrators to schedule the deposition on a date and time that will not result in unnecessary or unavoidable disruption to prison operations. Therefore, the Court should grant Defendants leave to take Plaintiff's deposition

DATED this 15th day of May, 2020.

AARON D. FORD  
Attorney General

By: /s/ Matthew P. Feeley  
MATTHEW P. FEELEY (Bar. No. 13336)  
Deputy Attorney General

**IT IS SO ORDERED**

**DATED: May 18, 2020**

*Attorneys for Defendants  
Regina Barrett, Christopher Harris,  
Julio Mesa, and Timothy Knatz*



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**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on May 15, 2020, I electronically filed the foregoing **DEFENDANTS' MOTION TO TAKE THE DEPOSITION OF PLAINTIFF, A PERSON CONFINED IN PRISON** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by emailing a copy at Las Vegas, Nevada, addressed to the following:

Lausteveion Johnson, #82138  
Southern Desert Correctional Center  
P.O. Box 208  
Indian Springs, Nevada 89070  
Email: sdccclawlibrary@doc.nv.gov  
*Plaintiff, Pro Se*

/s/ Carol A. Knight  
CAROL A. KNIGHT, an employee of the  
Office of the Nevada Attorney General